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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,992	10/02/2003	Steven Sutton	ACC-010	7255
36822	7590	03/02/2006		
GORDON & JACOBSON, P.C. 60 LONG RIDGE ROAD SUITE 407 STAMFORD, CT 06902			EXAMINER WELCH, GARY L	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/676,992	Applicant(s) SUTTON, STEVEN	
	Examiner Gary L. Welch	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01262004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "skirt" (claims 8, 12 and 16) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Manabat (U.S. 5,975,384).

Manabat discloses a garment hanger 10 having a crossbar member 12, a hook member 18 coupled to the crossbar member 12 and exactly three clamps 20. A first clamp is disposed in the central region of the crossbar member and the second and third clamps are disposed on opposite ends of the crossbar member. With regard to claim 2, the first clamp member is substantially vertically aligned with the hook member 18.

With regard to claim 3, each clamp member 20 has a pair of jaw members that are pivotable relative to each other between an open and closed position.

With regard to claim 4, the recitation “are molded....from a plastic material” is purely a method step and offers no structure that further limits the structural claim. Additionally, the hanger 10 and major parts of the clamp members 20 are fabricated from plastic (Col. 3, lines 4-18).

With regard to claims 18-20, the invention is disclosed in one or more of the above rejected claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manabat (U.S. 5,975,384) in view of Duester et al. (U.S. 4,759,480).

Manabat discloses all structural limitations as disclosed in the above rejections.

However, Manabat does not disclose a method of manipulating the second and third clamp members to grasp a first section of a garment and manipulating the first clamp member to grasp a second section of a garment.

Duester et al. teaches a garment hanger 10 having two clamping members 13 and an auxiliary bar 22. The two clamping members 13 grasp a first section of a garment and the auxiliary bar grasps a second section of a garment. The purpose of the hanger arrangement of Duester et al. is to provide an article display so as to occupy less vertical space so that several tiers of articles can be displayed in the same vertical arrangement (Col. 1, lines 43-47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the three clamping members of Manabat by positioning a garment in the arrangement method as taught by Duester et al. in order to provide an article display that occupies less vertical space so that

several tiers of articles can be displayed in the same vertical arrangement (Col. 1, lines 43-47).

With regard to claim 6, the first clamp member is capable of clamping onto the first and second sections of a garment since the clamping member has pivotal opposing jaws.

With regard to claim 7, the garment is pants A. The first section is a waist section and the second section is either folded leg portions or ends of the pants.

With regard to claim 8, the apparatus of Manabat and Duester et al. is capable of supporting various garments including pants, skirts, etc.

With regard to claims 9-12, the invention is disclosed above. As stated above, Duester et al. provides an article display that occupies less vertical space so that several tiers of articles can be displayed in the same vertical arrangement (Col. 1, lines 43-47).

With regard to claims 13-17, the invention is disclosed in one or more of the above rejected claims. It is well founded that garments are shipped along with their hangers in cartons or other containers.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent Application Publication to Carmichael (US 2002/0108976) discloses a unitary molded hanger having exactly three clamping mechanisms. Batts '948 disclose a hanger and clamp arrangement wherein the hanger

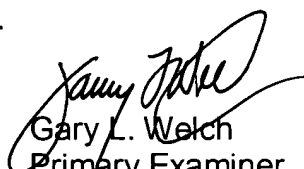
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and clamps are unitary molded from plastic. Gatling '877 and Tawil '064 disclose a hanger having three clamping members.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary L. Welch
Primary Examiner
Art Unit 3765

glw